

BURKINA FASO 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Burkina Faso is a constitutional republic. In 2010 voters reelected President Blaise Compaore to a fourth term with more than 80 percent of the vote. Despite some irregularities and the resource advantage held by the president, international observers considered the election to have been free and transparent. The president, assisted by members of his party, the Congress for Democracy and Progress (CDP), continued to dominate the government. There were instances in which elements of the security forces acted independently of civilian control. However, unlike in 2011, when army soldiers mutinied over unpaid wages, there were no incidents in which security forces defied civilian authorities.

The most significant human rights problems included security force use of excessive force against civilians and detainees; harsh and life-threatening prison conditions; and societal violence and discrimination against women and children, including female genital mutilation/Cutting (FGM/C).

Other human rights problems included arbitrary arrest and detention; judicial inefficiency and lack of independence; official corruption; trafficking in persons; discrimination against persons with disabilities; societal violence; discrimination against members of the lesbian, gay, bisexual, and transgender (LGBT) community; and forced labor, including by children.

The government took steps to prosecute individuals in the police and military accused of human rights abuse; however, impunity remained a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There was one report that the government or its agents committed an arbitrary or unlawful killing. On February 19, inmate Z. Ibrango died after being returned to Nouna Prison following an unsuccessful escape attempt. An autopsy was conducted, and an investigation continued at year's end to determine whether the death resulted from a gunshot injury or abuse from prison guards. Authorities arrested and detained the guards involved pending results of the investigation.

Investigations continued into the killing of five civilians during nationwide confrontations between protesters and security forces following the February 2011 death of Justin Zongo, a high school student who died after being beaten by police officers in Koudougou. The five civilians were killed in separate incidents when police and gendarmes units used live fire to quell demonstrations. A police officer also died as a result of being lynched by a mob during the unrest. The two individuals charged in connection with the three killings in Koudougou remained in jail pending trial at year's end. A police officer and two civilians detained on charges of murder in connection with the killing in Poa also remained in detention awaiting trial, as did a police assistant arrested in connection with a killing in Kindi. The three police officers convicted in August 2011 in connection with the killing of Zongo filed an appeal with the Cour de Cassation, which had issued no ruling by year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such treatment, members of the security forces continued to threaten, beat, and otherwise abuse individuals. Apart from a few high profile cases, the government seldom took action against perpetrators.

On February 20, local media reported that correctional officers providing security for Jerome Traore, the minister of justice and human rights promotion, detained and beat mechanic Adma Kima for allegedly insulting the minister during a traffic altercation. Kima, who had bruises on his face when he was transferred to the central police station in Ouagadougou, was released the following day. Kima did not file a complaint, but the government removed the minister from his position as a result of the incident in a February 23 cabinet reshuffle. However, on October 16, the government appointed Traore to a high-level position as commissioner to the accounting court.

The Ministry of Women's Promotion reported that soldiers raped 25 women during the 2011 military mutinies; the Burkinabe Movement for Human and People's Rights claimed the number was higher. The alleged perpetrators were in detention awaiting trial at year's end.

Prison and Detention Center Conditions

Conditions in prisons and detention facilities were harsh and at times life threatening. Prisons were overcrowded, and medical care and sanitation were poor.

Physical Conditions: According to the Ministry of Justice, as of December 31, there were 4,899 persons incarcerated countrywide, including 63 women and 129 minors. Juveniles and adults were held separately at the Ouagadougou Correctional Facility (MACO), but there were no separate facilities for juveniles in provincial prisons. Women in MACO and in provincial prisons were held separately and in better conditions than those of men, in large part due to less crowding. Pretrial detainees usually were held with convicted prisoners. Although regulations require the presence of a doctor and five nurses at the MACO's health unit, only three nurses were on duty to treat detainees, and a doctor came only once a week. Prisoners' diets were inadequate, and inmates often relied on supplemental food from relatives. Prison infrastructure throughout the country was decrepit and not adequately maintained. In the MACO and other prisons, severe overcrowding exacerbated inadequate ventilation, although each cell had electricity, and inmates could choose to buy a fan. Prisoners had access to potable water and rudimentary sanitation.

According to human rights organizations, deaths from prison conditions or neglect occurred. The MACO warden stated that six inmates died from illness during the year; however, human rights activists estimated that two to four inmates died each week as a result of prison conditions.

After an investigation into the April 2011 riot at Bobo-Dioulasso Prison, which resulted in one prisoner dead and 10 injured, the government provided compensation to the family of the deceased inmate and closed the case. The riot followed an unsuccessful escape attempt by several prisoners.

Administration: Recordkeeping on prisoners was generally adequate, although human rights advocates stated that the justice system, including prisons, occasionally "lost" some of the paperwork. For nonviolent offenders, authorities permitted civil society representatives to serve on behalf of prisoners and detainees to negotiate alternatives to incarceration to alleviate prison overcrowding. The Ministry of Justice regularly granted provisional release to inmates who served at least two-thirds of their sentences. Other alternatives to incarceration included community service and a half-way house. Under the supervision of the Ministry of

Justice, the Centre Laye housed convicted juveniles and provided them with vocational training. There was no prison ombudsman, but the Burkinabe Movement for the Emergence of Social Justice reported that it occasionally acted as ombudsman at the MACO. Authorities allowed prisoners and detainees reasonable access to visitors and permitted religious observance. Authorities allowed prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions of incarceration.

Monitoring: The government investigated and monitored prison and detention center conditions. Prison authorities regularly granted permission to visit prisons without advance notice to representatives of local and international human rights groups, the media, foreign embassies, and the International Committee of the Red Cross.

Improvements: In 2011 the government completed the Ziniare Correctional Facility (MACAZ), a new prison located 21 miles from Ouagadougou, to reduce overcrowding at the MACO. The first detainees were transferred in December 2011, and as of September 20, the MACAZ housed 113 prisoners, including 103 men, eight women, and two minors. Authorities held men, women, and minors in separate blocks. The prison had not completed a perimeter fence or outside lighting, which impeded outdoor activities such as gardening or sporting activities. The facility also lacked equipment and technical resources, but MACAZ inmates reported that conditions were better than at the MACO.

During the year the government conducted human rights and civil liberties training for security forces, including prison officers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, security forces did not consistently observe these prohibitions.

Role of the Police and Security Apparatus

The National Police, under the Ministry of Security, and municipal police, under the Ministry of Territorial Administration, are responsible for public security. Gendarmes, under the Ministry of Security, are responsible for restoring law and order during a disturbance, enforcing the penal code, and taking preventive action, such as checking if individuals are carrying required official documents. The

army, under the Ministry of Defense, had responsibility for external security and the integrity of the national territory.

The use of excessive force, corruption, a climate of impunity, and lack of training contributed to police ineffectiveness. These factors and police involvement in the death of Justin Zongo (see section 1.a.) resulted in widespread civilian demonstrations in 2011. Inadequate resources also impeded police effectiveness and contributed to police mutinies in April and May 2011 over inadequate pay and working conditions.

In response to the 2011 police mutinies, the government announced during the March 6 Council of Ministers the dismissal of 136 police officers for “collective acts of indiscipline, insubordination, attitude, or behavior detrimental to ethics or honor.” Another 32 police officers received administrative reprimands, and one officer retired.

The gendarmerie is responsible for investigating abuse by police and gendarmes, but the results of their investigations were not always made public. Military courts held a number of trials in which civilians pressed charges against military personnel. These trials were public, and verdicts were reported in the press. The government took some judicial action against soldiers accused of looting and mutiny.

During the year the government took action in several cases of security force abuse. For example, in June 2011 the Ouagadougou Court of Appeals ruled on the February 2011 case in which four soldiers publicly humiliated a civilian by forcing him to undress and parade naked. Authorities charged the soldiers with public indecency and theft but were granted them provisional release pending their trial.

Members of security forces, particularly the army, sometimes acted independently of civilian control. In June 2011 soldiers mutinied to obtain better working conditions, new uniforms, and increased benefits, resulting in the 2011 dismissal of 616 soldiers, 346 of whom were detained in military and civil jails pending trial. Charges included “particularly egregious conduct contrary to honor and morals, and incitement of public disorder.” During the year the government began to try the mutineers. On November 28 and 29, a military court sentenced one gendarme to five years in prison for inciting the mutiny; four gendarmes to between 18 and 24 months; and acquitted and released three. The remaining trials were scheduled for 2013.

Separately, on November 28, the military court sentenced five soldiers to between six and 10 years in prison for their involvement in offenses that occurred after the mutiny, including looting, criminal association, theft, and illegal possession of weapons and ammunition.

Security forces often failed to prevent or respond to societal violence (see section 6).

The Ministry of Human Rights and Civic Promotion conducted training activities during the year on human rights. On June 28, the ministry held a human rights conference for cadets at the Police Academy, addressing in particular torture and inhumane or degrading treatment. On July 7, the ministry also conducted a training session for 50 police officers and gendarmes on the 1949 Geneva Convention.

Arrest Procedures and Treatment While in Detention

By law, police must possess a warrant based on sufficient evidence issued by authorized officials to apprehend a suspect; however, in practice these procedures were not always respected. Detainees were not consistently informed of charges against them. The law provides the right to expeditious arraignment, bail, access to legal counsel after a detainee has been charged before a judge, or, if indigent, access to a lawyer provided by the state after being charged; however, these rights were seldom respected. The law does not provide for detainees to have access to family members, although detainees generally were allowed such access through court-issued authorizations.

The law limits detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period. However, police rarely observed the law, and the average time of detention without charge (preventive detention) was one week. The law permits judges to impose an unlimited number of six-month preventive detention periods while the charges are being investigated by the prosecutor. Defendants without access to legal counsel were often detained for weeks or months before appearing before a magistrate.

Pretrial Detention: Government officials estimated that 48 percent of prisoners nationwide were in pretrial status. In some cases detainees were held without charge or trial for longer periods than the maximum sentence they would have received if convicted of the alleged offense. A pretrial release (release on bail) system exists, but the extent of its use was unknown.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, nongovernmental organizations (NGOs) reported that the judiciary was corrupt, inefficient, and subject to executive influence. Magistrates were poorly paid and corrupt, legal codes were outdated, there were not enough courts, and legal costs were excessive. The courts were further weakened by citizens' poor knowledge of their rights.

In the past the head of state also served as president of the Superior Council of the Magistrature, which nominates and removes senior magistrates and examines their performance. In June, however, the government amended the constitution to allow council members to select their president, thus reducing executive control of the judiciary.

Military courts try cases involving military personnel charged with violation of the military code of conduct while on duty. Rights provided in military courts are equivalent to those in civil criminal courts. Military courts are headed by a civilian judge. They hold public trials and publish verdicts in the local press.

Trial Procedures

Trials are public, but juries are used only in criminal cases. Defendants are presumed innocent. Defendants have the right to legal representation and consultation and to adequate time and facilities to prepare a defense. Defendants have the right to be present at their trials and to be informed promptly and in detail of charges against them, with free interpretation of the proceedings if necessary. Defendants have the right to provide their own evidence and to have access to government-held evidence. Defendants have the right not to be compelled to testify or confess guilt; however, a refusal to testify often resulted in harsher decisions against them in practice. Defendants can challenge and present witnesses and have the right of appeal. In civil cases where the defendant is destitute and makes the request, the state provides a court-appointed lawyer. In criminal cases, court-appointed lawyers are mandatory for those who cannot afford it. The government did not always respect these rights, due in part to popular ignorance of the law and a continuing shortage of magistrates and court-appointed lawyers. The Ministry of Justice claimed that cases were usually tried within three months; however, human rights organizations reported major court case backlogs.

In 2011 the government introduced a reform called “Processing of Criminal Penalties in Real-Time” to shorten pretrial detention. The reform allows the prosecutor and investigators (police and gendarmerie) to process a case prior to the criminal hearing, allowing defendants to be informed of the charges and trial date before being released. The reform applied only to cases introduced in the High Court of Ouagadougou, although authorities planned to extend it nationwide.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent judiciary in civil matters; however, it was often inefficient, corrupt, and subject to executive influence. As a result, citizens sometimes preferred to rely on the ombudsman (see section 5) to settle disputes with the government. The law provides for access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation, and both administrative and judicial remedies were available for alleged wrongs. Victims of human rights violations can directly appeal to the Economic Community of West African States Justice Court, even before going through national courts. For civil and commercial disputes, cases can be referred to the Abidjan Common Court of Justice and Arbitration. Several such court orders were issued during the year. There were problems enforcing court orders in sensitive cases involving national security, wealthy or influential persons, and government officials.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. In cases of national security, however, the law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice; however, journalists

occasionally faced criminal libel prosecutions and other forms of harassment and intimidation.

Freedom of Speech: The law prohibits persons from insulting the head of state or using derogatory language with respect to the office; however, individuals criticized the government publicly or privately without reprisal.

Freedom of Press: There were numerous independent newspapers, satirical weeklies, and radio and television stations, some of which were highly critical of the government. Foreign radio stations broadcast without government interference. Government media outlets, including newspaper, television, and radio, sometimes displayed a progovernment bias but allowed significant opposition participation in their newspaper and television programming.

All media are under the administrative and technical supervision of the Ministry of Communications, which is responsible for developing and implementing government policy on information and communication. The Superior Council of Communication (SCC), a semiautonomous body under the Office of the President, monitored the content of radio and television programs, newspapers, and Internet Web sites to ensure compliance with professional ethics standards and government policy. In June the constitution was amended to institutionalize the SCC, which may summon journalists and issue warnings for subsequent violations. Hearings may concern alleged libel, disturbing the peace, inciting violence, or violations of state security.

Censorship or Content Restrictions: In addition to the prohibition against insulting the head of state, the law also prohibits the publication of shocking images and lack of respect for the deceased. For example, on December 13, the SCC suspended the newspaper *Le Quotidien* for seven days after it published images of a burned corpse.

Although the government did not attempt to impede criticism during the year, journalists practiced self-censorship.

Internet Freedom

There were no government restrictions on access to the Internet; however, the SCC monitored Internet Web sites and discussion forums to ensure compliance with existing regulations. In May the SCC issued a warning to a Web site on which a user had allegedly insulted President Compaore in an Internet forum. According to

International Telecommunication Union data, 3 percent of the population used the Internet in 2011.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government did not always respect this right. Demonstrations were sometimes suppressed or banned, although there were no reports of such actions during the year. Government agents sometimes infiltrated political meetings and rallies.

Unlike in the preceding year, there were no reports that police used excessive force to disperse demonstrators.

Political parties and labor unions may hold meetings and rallies without government permission; however, advance notification is required for demonstrations on the streets that might impact traffic or threaten public order. If a demonstration or rally results in violence, injuries, or significant property damage, penalties for the organizers include six months to five years' imprisonment and fines between 100,000 and two million CFA (\$201 and \$4,024). These penalties may be doubled for an unauthorized rally or demonstration. Denials or imposed modifications of a proposed march route or schedule may be appealed to the courts.

The government at times reportedly limited communications by disabling text message service on telephone networks. Human rights groups alleged that during the March and April 2011 student protests, the government employed such tactics.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. Political parties and labor unions could organize without government permission.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: In accordance with guidelines of the Economic Community of West African States, the government required travel documents, such as national identification cards, for regional travel.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In January fighting resumed in northern Mali between government forces and Tuareg rebels and resulted in the flight of more than 250,000 Malians to neighboring countries, including Burkina Faso. According to the UNHCR, approximately 35,000 Malians – most of them Tuaregs and Arabs – fled across the border to Burkina Faso and registered with local authorities as displaced persons. Burkinabe authorities decided to grant all displaced persons from Mali prima facie refugee status, pending the examination of all applications on an individual basis. Most of the refugees were settled in Soum and Oudalan provinces, in the Sahel region. The Ministry of Social Action and National Solidarity, aided by the Commission Nationale pour les Refugies (National Commission for Refugees) was designated as the government focal point to help coordinate all national and international efforts to assist the refugees currently in Burkina Faso.

Access to Basic Services: Under the law refugees have equal access to employment, basic services, education, police, and court services. Nevertheless, the scope of the refugee influx from Mali seriously taxed local and international resources.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully through multiparty elections; however, the ruling party's control of official resources and dominance in the government severely disadvantaged the political opposition.

Elections and Political Participation

Recent Elections: In joint legislative/municipal elections held on December 2, the ruling CDP won 70 of 127 seats in the National Assembly. Opposition parties won 30 seats, and parties traditionally aligned with the government won the remaining 27 seats. Although election observers characterized the elections as free and orderly, opposition parties filed complaints with the Constitutional Council of irregularities, including attempted fraud involving voter identification cards. The council dismissed most opposition complaints and confirmed the election results. Eligible voters with a valid identification document or birth certificate were issued a voter card encoded with their picture. The government instituted the new biometric registration system in response to opposition and NGO calls for reliable electoral rolls.

In 2010 President Blaise Compaore won reelection with more than 80 percent of the vote. The runner-up was Hama Arba Diallo, who received 7.96 percent. Despite some irregularities, international observers considered the election to have been free and transparent despite the resource advantage held by the president.

Political Parties: Political parties operated freely. Individuals and parties may declare their candidacies and stand for election in presidential elections provided the Constitutional Council validates their candidacy; however, individuals must be members of a registered political party to run in legislative or municipal elections.

CDP membership conferred advantages, particularly for businessmen and traders seeking ostensibly open government contracts.

There were two opposition members in the cabinet.

Participation of Women and Minorities: There were 13 women in the 127-seat National Assembly and five women in the 32-member presidential cabinet.

The gender law, enacted in 2009, requires that political parties have at least 30 percent women among candidates on their electoral lists for legislative and municipal elections. The law took effect during the December joint elections, establishing financial incentives for political parties who reached the 30 percent threshold and fines ranging from 2,500 CFA to 5 million CFA (\$5 to \$10,060) for parties failing to comply with the law. Of the 74 parties competing in the national election, 32 failed to meet the 30 percent threshold; 10 of the 81 parties running for local elections failed to do so.

There were 60 ethnic groups, including four major ones, in the country. Ethnicity was not a factor in cabinet appointments, and minority ethnic groups were represented in government.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, the government did not enforce the law effectively, and officials often engaged in corrupt practices with impunity. Local NGOs denounced what they called the overwhelming corruption of senior civil servants. They reported pervasive corruption in the customs service, gendarmerie, taxing agencies, national police, municipal police, public health service, municipal governments, the education sector, government procurement, and the Ministry of Justice.

Unlike in previous years, the government prosecuted several senior government officials for corruption.

For example, on January 2, security forces arrested Customs Director Ousmane Guiro after the gendarmerie found jewels, weapons, and 1,906,190,604 CFA (approximately four million dollars) in various currencies stashed in suitcases at his nephew's house; the nephew initially claimed the money was his. Guiro was dismissed the same day by presidential decree. On January 4, the High Court of Ouagadougou charged Guiro with corruption, money laundering, concealment, illicit enrichment, and illegal possession of firearms and ammunition. Both Guiro and his nephew were transferred to the MACO pending trial; however, on July 18, Guiro was granted provisional release due to health problems. Investigations continued at year's end.

On September 17, the government announced that Joseph Pare, the Burkinabe ambassador in France, resigned after a report implicated him in embezzlement and

mismanagement of funds during his tenure as the minister of secondary and higher education. However, as of December 31, Pare was still exercising his duties in Paris. A 2011 report by the State's Supreme Audit Authority (ASCE) specifically asked the former minister to return 262 million CFA (approximately \$527,160) to state coffers.

Some public officials, including the president, prime minister, cabinet members, heads of institutions, ambassadors, and directors of state-owned companies, are subject to financial disclosure laws. Those disclosures were not made public, however, and there were no reports of criminal or administrative sanctions for noncompliance.

The ASCE is responsible for investigating corruption and ensuring the sound management of public funds. The ASCE publishes an annual report documenting financial irregularities, embezzlement, and improper use of public funds in various ministries, government agencies, and state-run companies.

No laws provide for public access to government information. While government ministries released some nonsensitive documents, local journalists complained that ministries generally were unresponsive to requests for information, citing national security and confidentiality. There is no procedure to appeal denials of requests for information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the Ombudsman addresses civil servant complaints regarding government entities, public institutions, and other bodies entrusted with a public service mission. The ombudsman, who is appointed by the president for a nonrenewable five-year term and cannot be removed during the term, was generally viewed as effective and impartial. In 2011 the institution registered 768 complaints, of which 75 percent were successfully settled by the ombudsman.

On February 23, a separate Ministry of Human Rights and Civic Promotion was created by presidential decree after the dismissal of former minister of justice and human rights Jerome Traore (see section 1.c.). The ministry is responsible for the protection and promotion of human and civil rights. Beginning in February the ministry conducted education campaigns for security force members to raise their awareness of human rights.

The governmental National Commission on Human Rights serves as a permanent framework for dialogue on human rights concerns and included representatives of human rights NGOs, unions, professional associations, and the government. The Burkinabe Movement for Human and People's Rights did not participate in the commission and continued to charge that the commission was subject to government influence. According to NGOs, the commission was ineffective due to inadequate funding.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce these prohibitions. Discrimination against women and persons with disabilities remained problems.

Women

Rape and Domestic Violence: Rape is a crime and punishable by five to 10 years' imprisonment; the law does not address spousal rape. Police generally investigated reports of rape, but victims often did not file reports due to cultural barriers and fear. According to human rights NGOs, rape occurred frequently. Although the government prosecuted rape cases during the year, no statistics were available on the number of cases reported or prosecuted. Several organizations counseled rape victims, including Roman Catholic and Protestant missions, the Association of Women Jurists in Burkina, the Association of Women, and Promofemmes (a regional network that works to combat violence against women).

Domestic violence against women occurred frequently, primarily in rural areas. No law specifically protects women from domestic violence, and cases of wife beating usually were handled out of court, unless victims were severely injured. Victims seldom pursued legal action due to shame, fear, or reluctance to take their spouses to court. For the few cases that went to court, there were no available statistics on prosecutions, convictions, or punishment. There were no government-

run shelters in the country for victims of domestic violence, but there were counseling centers in each of the 13 regional “Maison de la Femme” centers. The Ministry of Women’s Promotion sometimes acted as a counseling center, housing and assisting abused women. Between January and July, for example, the ministry assisted 20 victims of domestic violence, 10 of whom were referred to attorneys for possible legal action against perpetrators.

The Ministry of Social Action and National Solidarity, which has a legal affairs section to educate women on their rights, and several NGOs cooperated to protect women’s rights. During the year the ministry organized a number of workshops and led several sensitization campaigns to inform women of their rights.

Harmful Traditional Practices: On occasion elderly women without support, living primarily in rural areas and often widowed, were accused of witchcraft by their neighbors and banned from their villages. Such women were accused of “eating” the soul of a relative or a child who had died. According to Ministry of Social Action and National Solidarity records, nearly 600 alleged witches forced to flee their villages since the 1960s were housed by the Delwende center in Ouagadougou, operated by the Roman Catholic Church. Victims seldom took legal action for fear of repercussions to their families and sought refuge at centers run by governmental or charitable organizations in urban centers. During the year the Delwende Center supported 299 women accused of witchcraft. A similar government-run center in Ouagadougou’s Paspanga area housed approximately 100 women.

The government and traditional authorities worked together during the year to stop the persecution of suspected witches. The Ministry of Social Action and National Solidarity initiated specific awareness programs with ethnic Mossi villages and assisted with mediation efforts between suspected witches and village elders.

On March 24, the Ministry of Social Action and National Solidarity adopted a 2012-16 Action Plan to fight the social exclusion of women accused of witchcraft. In collaboration with NGOs such as the Peace and Justice Commission and Women’s Rights for Development, the ministry’s plan provides for financial, legal, and psychological support for suspected witches.

One of the three witchcraft cases filed in 2011 remained pending at year’s end; the victim in the second case dropped charges after an amicable settlement, and a court cancelled the third case because the statute of limitations had passed.

In November 2011 the High Court of Ouagadougou imposed a collective fine of 1,500,000 CFA (3,018) on Rakiswende D. and three of his accomplices for the 2009 assault and battery of Nopoko D., one of the Delwende Center's residents.

Female Genital Mutilation/Cutting (FGM/C): (see section 6, Children).

Sexual Harassment: The labor code explicitly prohibits sexual harassment in the workplace, which is punishable by 50,000 to 600,000 CFA (\$101 to \$1,207) and prison terms varying from one month to five years. The government was ineffective in enforcing the law, in large part because sexual harassment was considered by many as culturally acceptable. There were no available statistics on the number of cases reported, prosecutions, or convictions.

Reproductive Rights: Couples and individuals are legally entitled to decide freely and responsibly the number, spacing, and timing of their children. They have the right to access reproductive and family planning information and may do so without facing discrimination, coercion, or violence. Government and private health centers were open to all women and offered reproductive health services, skilled medical assistance during childbirth (essential obstetric and postpartum care), and diagnosis and treatment of sexually transmitted diseases. However, remote villages often lacked these facilities or did not have adequate road infrastructure or transportation to permit easy access. According to the 2011 Demographic and Health Survey, 95 percent of women received prenatal care from skilled personnel, 67 percent of births were attended by skilled personnel, and 15 percent of women who wanted to space their pregnancies had access to modern birth control methods. Cultural norms that left decisions regarding birth control to husbands also contributed to the limited use of contraceptives. The relatively high maternal mortality ratio of 341 per 100,000 live births was attributed to lack of access to health care in rural areas. Amnesty International (AI) said maternal deaths were also a result of inadequate training of health workers.

According to an AI report, during the year there was progress in accountability of medical personnel. In September 2011 two health officials were dismissed for "serious professional misconduct" in Bobo-Dioulasso following the death of a pregnant woman who had been locked in a maternity ward without any supervision. In October 2011 both officials were sentenced to prison terms, and reparations were awarded to the family of the victim.

Discrimination: Women continued to occupy a subordinate position in society and often experienced discrimination in education, jobs, property ownership, access to

credit, management or ownership of a business, and family rights. Polygamy is permitted, but both parties have to agree to it prior to marriage. A wife may oppose further marriages by her husband if she provides evidence that he has abandoned her and her children. Each spouse may petition for divorce, and the law provides that custody of a child may be granted to either parent, based on the child's best interest. In practice the mother retained custody until the child reached age seven, at which time custody reverted to the father or his family. Women represented approximately 45 percent of the general workforce in the formal sector and were primarily concentrated in low paid, subservient positions. Although the law provides equal property and inheritance rights for women, land tenure practices emphasized family and communal land requirements over individual ownership rights. As a result, women were often denied the right to own property, particularly real estate. This was exacerbated by the fact that 75 percent of marriages were defined as common law unions (religious or traditional ceremony) and not legally binding. For example, in rural areas, land owned by a woman becomes the property of the family of her husband after marriage. Many citizens, particularly in rural areas, clung to traditional beliefs that did not recognize inheritance rights for women and regarded a woman as property that could be inherited upon her husband's death.

The government continued media campaigns to change attitudes toward women. The Ministry of Women's Promotion is responsible for increasing women's awareness of their rights, and was working to facilitate their access to land. The government sponsored a number of community outreach efforts and awareness campaigns to promote women's rights. From September 13 to 15, the ministry held its biennial National Forum for Women, during which women from the 13 regions met to discuss their concerns with government officials, including the president.

Children

Birth Registration: Citizenship is derived either by birth within the country's territory or through a parent. Many births were not registered immediately, particularly in rural areas where registration facilities were few, and parents were often unaware of the requirement to register. Lack of registration sometimes resulted in denial of public services including inability to register for school. To address the problem, the government periodically organized registration drives and issued belated birth certificates. During the year the Ministry of Women's Promotion launched the "One Woman, One Birth Certificate" campaign to provide two million women and girls with birth certificates by the end of 2013.

Child Abuse: The law prohibits the abuse of children under 15 and provides for the punishment of abusers. The penal code mandates a one- to three-year prison sentence and fines ranging from 300,000 to 900,000 CFA (\$601 to \$1,805) for inhumane treatment or mistreatment of children; however, light corporal punishment was tolerated and widely practiced. The government conducted seminars and education campaigns against child abuse.

In September 2011 the Ministry of Social Action and National Solidarity launched a toll-free number enabling people to anonymously report cases of violence against children. As of April more than 200 calls were recorded, including six cases of sexual abuse.

Child Marriage: The legal age for marriage is 17 for girls and 20 for men; however, child marriage was a problem. In 2009 the Population Council estimated that 62 percent of rural women between the ages of 20 and 24 were married before age 18. The law prohibits forced marriage and prescribes penalties of six months to two years in prison for violators; the prison term may be increased to three years if the victim is under age 13. There were no reports during the year of prosecutions of violators. A government toll-free number allowed citizens to report forced marriages. Many NGOs worked with traditional leaders and village elders to halt the practice.

Harmful Traditional Practices: The law prohibits FGM/C, but it was practiced widely, particularly in rural areas, and usually performed at an early age. Although there were no accurate and recent figures, the National Committee for the Fight Against Excision (CNLPE) claimed the practice had decreased significantly in recent years. Nevertheless, 76 percent of women and girls between age 15 and 49 and 13 percent of girls under 15 reported being circumcised. Perpetrators, if convicted, were subject to a fine of 150,000 to 900,000 CFA (\$301 to \$1,811) and imprisonment of six months to three years, or up to 10 years if the victim died.

During the year security forces and social workers from the Ministry of Social Action and National Solidarity arrested several FGM practitioners and their accomplices, all of whom were serving jail sentences at year's end. For example, on June 20, the Diebouyou High Court sentenced a woman to two months in jail for perpetrating FGM on a 15-year-old girl. The girl's aunt and her grandmother were sentenced to two months in jail for complicity.

The government continued its national action plan "Zero Tolerance of FGM" that aimed to reduce the practice of FGM/C by at least 30 percent by 2013. During the

year the government conducted awareness campaigns, training, and identification and support programs for FGM/C victims. Chantal Compaore, the country's first lady and honorary president of the CNLPE, was actively involved in the fight against FGM/C. The government, through the Regional Committees to Combat Excision, continued to campaign with local populations against FGM/C. The regional committees included representatives of the Ministry of Social Action and National Solidarity, the Ministry of Basic Education, Secondary, and Superior Education, the Ministry of Women's Promotion, the Ministry of Justice, the Ministry of Health, the police, gendarmerie, and local and religious leaders.

On April 25, UNICEF and the UN Population Fund – in partnership with a local NGO and the National Committee for the Fight Against FGM – held a ceremony during which representatives from 25 villages in the Central Region publicly declared they would abandon FGM/C. The event was sponsored by the first lady.

Sexual Exploitation of Children: There were no statistics on child prostitution; however, government services and human rights associations believed it was a problem. Children from poor families relied on prostitution to meet their daily needs. Trafficked children, primarily Nigerian nationals, were also subject to sexual abuse and forced prostitution.

Infanticide or Infanticide of Children with Disabilities: The law prohibits female infanticide; however, there were reports that it occurred during the year.

Displaced Children: There were numerous street children, primarily in Ouagadougou and Bobo-Dioulasso. Many children ended up on the streets after their parents sent them to the city to study with an unregistered Quranic teacher, or to live with relatives and go to school. Some children sent to Quranic schools by their parents were forced to engage in begging. According to a 2010 report by the Ministry of Social Action and National Solidarity, there were 5,721 street children in the country, among whom 2,308 were enrolled in unregistered Quranic schools. Several NGOs assisted street children. Two directorates of the Ministry of Social Action and National Solidarity also ran educational programs, including vocational training for street children, funded income-generating activities, and assisted in the reintegration and rehabilitation of street children. Nevertheless, the number of street children far outstripped the capacity of these institutions.

During the year the government conducted an awareness campaign for approximately 1,000 street children on the dangers of drug use. They also started

implementing a project designed to help street children locate and return to their families.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

There was no known Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, the provision of other state services, or other areas; however, the government did not effectively enforce these provisions. In 2010 the government enacted legislation to provide persons with disabilities with less costly or free healthcare and access to education and employment; the law also includes building codes to ensure access to governmental buildings. Children with disabilities attended primary and secondary school, as well as higher institutions of learning. Nevertheless, persons with disabilities continued to encounter discrimination and reported difficulty finding employment, including in government service. Exacerbating these problems was the common perception that persons with disabilities should be under the care of their families and not in the workforce.

A May 15 decree created the Multisectoral National Council for the Promotion and Protection of People with Disabilities, which included 90 members from different ministries, NGOs, and civil society organizations. On July 18, the Council of Ministers adopted further decrees to protect the rights of persons with disabilities, including in transportation. Since December 11, state-owned television provides newscast transcription in sign-language for deaf people.

Programs to aid persons with disabilities were limited. During the year NGOs and the National Committee for the Reintegration of Persons with Disabilities conducted awareness campaigns and implemented integration programs. High commissioners, teachers, and NGOs worked together to inform citizens about the rights of persons with disabilities, specifically the rights of children with disabilities. A number of NGOs provided vocational training and equipment to persons with disabilities.

National/Racial/Ethnic Minorities

Longstanding conflict between herders of the Fulani ethnic group and sedentary farmers of other ethnic groups sometimes resulted in violence. Incidents were commonly triggered by Fulani herders allowing their cattle to graze on farm lands of other groups, or farmers attempting to cultivate land set aside by local authorities for grazing. According to the Ministry of Animal Resources, more than 3,800 such incidents occurred between 2005 and 2011. Conflict between ethnic groups also occurred as a result of disputes over the designation of local traditional chiefs.

For example, on March 2, in Guenon, violence between Liliou and Akongba families over the right to designate the local traditional chief resulted in 12 deaths, numerous injuries, and the displacement of dozens of members of both families. Security forces were unable to contain the violence, even after the arrival of reinforcements from nearby cities. On March 3, the ministers of territorial administration and security, justice, and human rights and civic promotion met with members of both families and local authorities to restore calm. On June 29, the leader of the Akongba family and 12 other individuals from both families were detained. On July 18, the leader of the Liliou family and six other individuals also were arrested. According to the attorney general at the Ouagadougou Court of Appeal, those detained were charged with “murder, aggravated assault, willful destruction of property, aggravated robbery, slaughter of domestic animals, and incitement and complicity in the aforementioned acts.” The case continued at year’s end.

On April 16 and 17, in the Passakongo village, a longstanding land dispute between the Bwaba and Fulani communities resulted in Fulani families being chased off their land and the burning of dozens of their homes and granaries. On April 21, the prime minister sent a government minister whose hometown was in the same region to meet with representatives of both communities and local officials, after which the violence ended. On November 15, the High Court of

Dedougou prosecuted 67 persons for destruction of property, assault, and battery. The court sentenced Foade Konate to 18 months in prison and fined him 150,000 CFA (\$301); Bombiri Bouakuy, Konaté Zinta, and Justin Coulibaly were each sentenced to 12 months in prison. Another 39 persons were sentenced to between three and six months in prison; 15 were acquitted; the remaining nine remained in detention awaiting trial at year's end. The court also imposed a collective fine of 30 million CFA (\$60,360) for compensation to the victims.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not discriminate on the basis of sexual orientation or gender identity in employment and occupation, housing, statelessness, or access to education or health care. Nevertheless, societal discrimination, exacerbated by religious and traditional beliefs against LGBT persons, was a problem. LGBT persons were reportedly occasional victims of verbal and physical abuse. There were no reports that the government responded to societal violence and discrimination against LGBT persons.

LGBT organizations had no legal presence in the country but existed unofficially. There were no reports of government or societal violence against such organizations, although incidents were sometimes not reported due to stigma or intimidation.

On March 18, hundreds of persons from Wemtenga, a neighborhood of Ouagadougou, demonstrated to demand the departure of a gay couple within seven days. The demonstrators claimed that the couple set a bad example for neighborhood children. The couple asked for an extra two weeks to prepare and subsequently left the neighborhood. No legal action was taken against the perpetrators.

Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS was a problem. Although persons with HIV/AIDS were generally not discriminated against in employment, persons who tested positive were sometimes shunned by their families. HIV-positive wives were sometimes evicted from their homes, although their HIV-positive husbands were not. Some landlords refused to rent lodgings to persons with HIV/AIDS. The government continued to distribute free antiretroviral medication for HIV-positive persons.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements; however, “essential” workers such as police, army, and other security personnel may not join unions. The law provides unions with the right to conduct their activities without interference.

The law provides for the right to strike, although it stipulates a very narrow definition of this right. For strikes that call on workers to stay home and that do not entail participation in a rally, the union is required to send advance notice (eight to 15 days) to the government. If unions call for a march, advance notice must additionally be sent to the city mayor, as appropriate. The law also gives the government extensive requisitioning powers, authorizing it to requisition private and public sector workers in non-essential services to ensure a minimum service. March organizers are held accountable for any damage or property destruction that occurs during the demonstration. Magistrates, police, military personnel, and gendarmes do not have the right to strike.

The law prohibits antiunion discrimination and allows a labor inspector to immediately reinstate workers fired because of their union activities. All workers benefit from the relevant legal protections. The government generally enforced these laws.

Despite limitations to the right of strike, the government generally respected freedom of association and the right to collective bargaining. However freedom of association was not always respected in the private sector, especially in the gold mining sector. During the year the government received and granted 16 requests for union recognition. The government generally respected the right of unions to conduct their activities without interference. Nevertheless, as in the previous year; union members working in mining companies were dismissed or transferred for participating in union activities. There were no reports of their reinstatement, despite a request by the minister of labor to reinstate the employees. Negotiations continued at year’s end.

Unions have the right to bargain directly with employers and industry associations for wages and other benefits. Worker organizations were independent of the

government and political parties. There were no reports of strikebreaking during the year.

There were no reports of government restrictions on collective bargaining during the year. There was extensive collective bargaining in the formal wage sector; however, this sector included only a small percentage of workers. Moreover, employers sometimes refused to bargain with unions. In the private sector, particularly in the mining sector and other industries, employers' use of subcontracting made it difficult to systematically enforce workers rights.

There were no reports of antiunion discrimination during the year.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits forced labor, it does not prohibit all forms of forced labor, such as forced begging by children. The government did not effectively enforce the law, and forced labor, including by children, occurred. On October 29-30, Interpol rescued 387 children from forced labor in gold mines and cotton fields, and arrested 73 persons.

Forced child labor occurred in the agricultural (particularly cotton), informal trade, domestic servitude, and animal husbandry sectors as well as in gold panning sites and stone quarries. Some children sent to Quranic schools by their parents were forced to engage in begging (see section 6).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 16 and prohibits children below age 18 from working at night except in times of emergency. The minimum age for employment was consistent with the age for completing educational requirements, which was 16. In the domestic and agricultural sectors, the law permits children age 12 and above to perform limited activities for up to four and one-half hours per day. There were no explicit restrictions regarding occupational health and safety in the law.

The law prohibits the worst forms of child labor, including the commercial sexual exploitation of children, child pornography, and jobs that harm the health of a

child. In February the government adopted the National Action Plan to Combat the Worst Forms of Child Labor, which aims to significantly reducing exploitative child labor by 2015. The 2008 antitrafficking legislation provides for penalties of up to 10 years' imprisonment for violators and increases maximum prison terms from five to 10 years. The law also allows for 20 years' to life imprisonment under certain conditions. The law covers both the formal and informal sectors, but is more directed to the informal sector, where child labor generally occurred.

Punishment for violating child labor laws includes prison terms of up to five years and fines of up to 600,000 CFA (\$1,207); however, the government did not consistently enforce the law. The Ministry of Civil Service, Labor and Social Security, which oversees labor standards, lacked sufficient inspectors, transportation, and other resources to adequately enforce worker safety and minimum age laws. The number of convictions during the year was unknown.

The government organized workshops and conferences during the year to inform children, parents, and employers of the dangers of exploitative child labor. In April the Ministry of Civil Service, Labor, and Social Security conducted a workshop with cotton firms, the National Union of Cotton Producers, NGOs, and civil society organizations to develop a strategic document to better fight child labor in cotton farms. During the year the Ministry of Social Action and National Solidarity trained 1,000 mothers and 948 children aged 15 to 17 to develop income generating activities.

According to the National Institute of Statistics and Demography, 76 percent of children between age five and 17 were engaged in some form of economic activity; 81 percent of these children worked in the agriculture sector. Children also worked in the mining, trade, construction, and domestic labor sectors. Some children, particularly those working as cattle herders and street hawkers, did not attend school. Many children under age 15 worked long hours. An International Labor Organization study reported that children working in artisanal mining sometimes worked six or seven days a week, up to 14 hours per day; street beggars often worked 12 to 18 hours daily. All the children studied suffered from occupational illnesses and were sometimes physically or sexually abused. Domestic servants earned from 3,000 to 6,000 CFA (\$6 to \$12) per month, worked up to 18 hours per day, and often were exploited and abused. Children commonly worked with their parents in rural areas or in family-owned small businesses in villages and cities. There were no reports of children under age 15 employed in either state-owned or large private companies.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The law mandates a minimum monthly wage of 30,684 CFA (\$61) in the formal sector; the minimum wage does not apply to subsistence agriculture or other informal occupations.

The law mandates a standard workweek of 40 hours for non-domestic workers and a 60-hour workweek for household employees, and it provides for overtime pay. There are also regulations pertaining to rest periods, limits on hours worked, and prohibition of excessive compulsory overtime.

The government sets occupational health and safety standards. Every company with 10 or more employees is required to have a work safety committee. If the government's Labor Inspection Office declares a workplace unsafe for any reason, workers have the right to remove themselves without jeopardizing continued employment.

The Ministry of Civil Service, Labor, and Social Security is responsible for enforcing the minimum wage. Government inspectors under the Ministry of Civil Service, Labor, and Social Security and the labor tribunals are responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards do not apply in subsistence agriculture and other informal sectors.

These standards were generally not effectively enforced. During the year the government in conjunction with the trade union Action Catholique des Travailleurs provided technical assistance for trainings and seminars as well as workshops on legislation and workers rights. With only 125 labor inspectors and 116 labor controllers, the government's Labor Inspector Corps did not have sufficient resources, including sufficient numbers of inspectors and offices and financial and transportation means, to fulfill its duties adequately. There were no reports of effective enforcement of inspection findings during the year. There were indications that the right to remove oneself from unsafe working conditions was respected, although such declarations by the Labor Inspection Office were rare.

Employers often paid less than the minimum wage. Wage-earners usually supplemented their income through reliance on the extended family, subsistence

agriculture, or trading in the informal sector. Mining sector companies generally respected hours of work, overtime, and occupational, safety, and health standards. Informal sector workers, however, were subjected to violations of wage, overtime, and OSHA standards.